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15 [Additional Counsel Appear on Signature Pages]

16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **SAN FRANCISCO DIVISION**

19 TIMOTHY HIMSTREET, Derivatively on
20 Behalf of WELLS FARGO & COMPANY,

21 Case No. 3:18-cv-02922-LB

22 Plaintiff,
23 v.
24 TIMOTHY J. SLOAN, JOHN R.
25 SHREWSBERRY, AVID MODJTABAI,
26 ELIZABETH A. DUKE, JOHN D. BAKER
II, DONALD M. JAMES, JAMES H.
QUIGLEY, SUZANNE M. VAUTRINOT,
JOHN G. STUMPF, FRANKLIN R.
CODEL, DAWN MARTIN HARP,
CARRIE L. TOLSTEDT, STEPHEN W.
SANGER, CYNTHIA H. MILLIGAN,
JUDITH M. RUNSTAD, SUSAN G.
SWENSON, SUSAN E. ENGEL, ENRIQUE
HERNANDEZ, JR., LLOYD H. DEAN,
JOHN S. CHEN, ELAINE L. CHAO, and
FEDERICO F. PEÑA,

27 **STIPULATION AND [PROPOSED]
28 ORDER OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE**

29 Defendants,
30 -and-
31 WELL FARGO & COMPANY, a
32 Delaware corporation,
33 Nominal Defendant.

1 Plaintiff Timothy Himstreet ("Plaintiff"), defendants Timothy J. Sloan, John R.
2 Shrewsberry, Avid Modjtabai, Elizabeth A. Duke, John D. Baker II, Donald M. James, James H.
3 Quigley, Suzanne M. Vautrinot, John G. Stumpf, Franklin R. Codel, Dawn Martin Harp, Carrie
4 L.Tolstedt, Stephen W. Sanger, Cynthia H. Milligan, Judith M. Runstad, Susan G. Swenson, Susan
5 E. Engel, Enrique Hernandez, Jr., Lloyd H. Dean, John S. Chen, Elaine L. Chao, Federico F. Peña,
6 and nominal defendant Wells Fargo & Company (collectively, "Defendants"),¹ through their
7 respective counsel of record, submit this stipulation and [proposed] order to voluntary dismiss this
8 action without prejudice.

9 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties,
10 through their undersigned counsel, pursuant to Rules 23.1(c) and 41(a)(1)(A)(ii) of the Federal
11 Rules of Civil Procedure and subject to the Court's approval, that:

12 1. This action shall be dismissed in its entirety without prejudice; and
13 2. Each Party shall bear his, her, or its own costs, fees, and expenses, including
14 attorneys' fees.

15 **IT IS SO STIPULATED.**

16 Dated: June 21, 2018

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27 ¹ Plaintiff and Defendants are collectively referred to herein as the "Parties."

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1 Dated: June 21, 2018

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Lloyd H. Dean, John S. Chen, and Elaine L.
Chao

I, Steven M. McKany, am the ECF User whose ID and password are being used to file this
Stipulation and [Proposed] Order of Voluntary Dismissal Without Prejudice. In compliance with
Civil L.R. 5-1(i), I hereby attest that concurrence in the filing of this document has been obtained
from each of the other signatories.

s/ Steven M. McKany _____
STEVEN M. MCKANY

21 * * *

ORDER

Pursuant to stipulation, **IT IS SO ORDERED.**

DATED: August 9, 2018


UNITED STATES DISTRICT JUDGE